

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

AUG 26 2016

David J. Bradley, Clerk

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Sergio Ivan Perez-Padilla

YOB: 1983

Principal

the United Mexican States

Case Number:

M-16- 1587 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 25, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Kevin Francisco Martinez-Martinez, citizen and national of El Salvador and Miguel Angel Huertas-Bustos, citizen and national of Ecuador, along with twenty-seven (27) other undocumented aliens, for a total of twenty-nine (29), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On August 25, 2016 RGV FIT West Border Patrol Agents received information regarding a possible stash house located at 3212 Billman Road in Donna, Texas. The information came from a subject that claimed to have picked up undocumented Aliens at the residence.

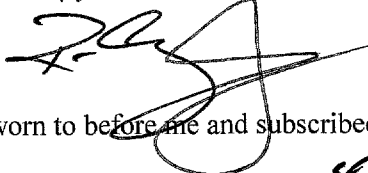
On August 25, 2016, RGV FIT Agents and Weslaco Agents conducted surveillance on the residence. A black Ford 500 and four people going in and out of the home were seen at the residence. These four people went out to cook food and hang up clothes on a clothesline. An unidentified Subject was seen getting into the Ford 500 and leave the residence. He drove to an HEB and was observed exiting the store with about ten 2-Liter bottles of soda and

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

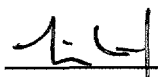
Approved by



Sworn to before me and subscribed in my presence,

August 26, 2016
Date

4:21 pm

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Complainant

Nicolas Cantu, Jr. Senior Patrol Agent

Printed Name of Complainant

at McAllen, Texas
City and State
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

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RE: Sergio Ivan Perez-Padilla

CONTINUATION:

about four bags of groceries. The Subject then drove to a Stripes Convenience Store and up to a water dispenser machine to fill up two five gallon water jugs. At this time, with the assistance of HCCO Pct1, Border Patrol Agent Ramirez and Supervisory Border Patrol Agent Tovar approached the subject.

BPA Ramirez and SBPA Tovar identified themselves then questioned and identified the subject as Sergio Ivan Perez-Padilla. Perez told Agents that he lived off of Billman Road, that he lived alone and was buying groceries for himself. BPA Ramirez questioned Perez about harboring Aliens. Perez admitted that he was illegally in the United States and was harboring 25 to 30 UDA's at the residence, he also told Agents he knew why they were approaching him. At this time, BPA Ramirez advised him of his Miranda rights, Perez immediately said he would cooperate. PEREZ claimed he had freely been entering and exiting the residence for two weeks. Perez had a key for the residence and gave written consent to enter the home.

A total of 29 Undocumented Documented Aliens and a ledger were discovered at the residence located at 3212 Billman Road in Donna, Texas. All the subjects were placed under arrest and read their Miranda Rights.

Perez and the 29 undocumented Aliens were transported to the Weslaco Border Patrol Station for processing.

PRINCIPAL STATEMENT

Sergio Ivan PEREZ-Padilla was read his Miranda Rights. He understood his rights and provided a sworn statement without the presence of an attorney.

PEREZ, a citizen of Mexico, stated that approximately two weeks ago, a male subject asked him if he wanted to be in charge of a house where undocumented aliens were being stashed. PEREZ stated that since he started caretaking for the undocumented aliens approximately 50 subjects have been smuggled out of house. PEREZ also stated that he would go buy food to take to the stash house. He was supposed to get paid \$15 dollars per alien and was supposed to get paid today by the person in charge of smuggling the undocumented aliens. An unknown man driving a grey Ford F-150 would pick up the undocumented aliens at night from the stash house and take them up north. PEREZ was instructed to tell the undocumented aliens not to make a lot of noise and to not be going outside.

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MATERIAL STATEMENTS

MARTINEZ-Martinez, Kevin Francisco and HUERTA-Bustos, Miguel Angel were read their Miranda Warnings. They understood their rights and provided a sworn statement without the presence of an attorney.

MARTINEZ, a citizen of El Salvador, stated that he crossed the Rio Grande River illegally on August 23rd, 2016, at approximately 3:00 a.m. He then walked with a group of twenty subjects through the brush for about five hours. MARTINEZ along with the group waited in the brush near the side of a road until approximately 10:00 p.m. A red in color Tundra pick-up truck picked him up along with six others and took them to the stash house. At the stash house, a man asked for his name and then wrote it into a ledger. The man also told him that he could go to sleep and that food would be ready shortly. MARTINEZ identified PEREZ-Padilla, Sergio Ivan as the man who wrote his name in the ledger. MARTINEZ claims he gave PEREZ \$100 USD in order to purchase new shoes but he never received the shoes. MARTINEZ'S mother made the smuggling arrangements. She paid \$5,000 USD and she was supposed to pay an additional \$3,000 USD when MARTINEZ reached his final destination.

HUERTA, a citizen of Ecuador, made smuggling arrangements with a man over the phone and paid \$5,000 USD. He entered the United States on the 20th of August of 2016, near Hidalgo, Texas. After he crossed, he was taken to the stash house where he was arrested. HUERTA identified PEREZ-Padilla, Sergio Ivan as the caretaker of the house. HUERTA stated that PEREZ would bring them food and water from the store. PEREZ also told them to be quiet, not to go outside, and not to use too much water.